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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/930,042	08/15/2001	Melvin H. Sachs	ICT-10002/03	1190

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EXAMINER

VARNER, STEVE M

ART UNIT

PAPER NUMBER

3635

DATE MAILED: 10/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/930,042

Applicant(s)

SACHS ET AL.

Examiner

Steve M Varner

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, 17-19, are rejected under 35 U.S.C. 102(b) as being anticipated by Wilnau.

Regarding claim 1, 2, 19, Wilnau shows a first and a second shell member (left and right halves of 15) each having a length dimension, which is greater than a width dimension. (Fig. 6) Wilnau shows each shell having an interior surface and one substantially open side extending along the length dimension. (Fig. 6) Wilnau teaches the first shell member is securable to the second shell member so that the substantially open sides of the first and second shell members (left and right halves of 15) cooperate to define an interior volume. (Fig. 6) Wilnau shows one reinforcing member (25) positioned within the interior volume and filler material within the interior volume. (Fig. 1, 6) Wilnau shows one reinforcing member (18) affixed to the interior surface of the first and second shell members (left and right halves of 15). (Fig. 1) Wilnau shows concrete (30), a protective material, is applied on the interior surface of each of the shells. (Fig. 1)

Regarding claim 3, Wilnau shows the shells are u-shaped. (Fig. 12)

Regarding claim 4, Wilnau shows the filler material is concrete. (Fig. 1)

Regarding claim 5, Wilnau teaches the shells I-shaped. (Fig. 1)

Regarding claim 6, Wilnau teaches the base of the first shell (222) is wider than a base of the second shell (221). (Fig. 19)

Regarding claim 7, Wilnau teaches concrete (30) as the protective material. (Fig. 1) Fire-resistance is an inherent property of concrete.

Regarding claim 17, 18, the methods recited are the obvious methods of manufacturing Wilnau's System and Method for Reinforced Concrete Construction.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilnau in view of Hawley's and the Dictionary.

Regarding claims 8, 9, Wilnau teaches concrete (30) as the protective material (Fig. 1) Wilnau does not teach fire-resistant mineral wool or fiberglass. Hawley's mentions mineral wool (Page 756) and fiberglass (Page 538) fire-resistant material. The Dictionary mentions mineral wool (Page 740) as fire-resistant material. It would have been obvious to one of ordinary skill at the time the present invention was made to use fire-resistant mineral wool or fiberglass in Wilnau to protect the rebar from melting.

Regarding claims 10-16, Wilnau teaches concrete (30) as the protective material. (Fig. 1) Wilnau does not teach the protective material as a heat sink of any of the

following: gypsum board (Page 200-201), cement plaster, concrete, sand or gravel. Hawley's teaches these materials or they are well known in the art as heat sinks or thermal insulators. It would have been well know to one of ordinary skill in the art at the time the present invention was made to use these materials as a heat sink or thermal insulator in the structure of Wilnau to protect the rebar from melting.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fox reveals a Corrosion-Resistant Encasement for Structural Members.

### ***Conclusion***

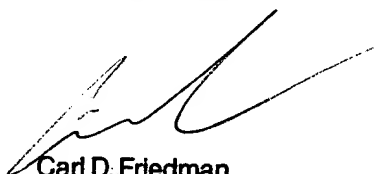
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve M Varner whose telephone number is 703 308-1894. The examiner can normally be reached on M-F 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D Friedman can be reached on 703 308-0839. The fax phone numbers for the organization where this application or proceeding is assigned are 703 305-7687 for regular communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-1113.



SV  
October 18, 2002



Carl D. Friedman  
Supervisory Patent Examiner  
Group 3600